

Notice of Allowability

Application No.

09/970,432

Applicant(s)

TREECE, HAROLD O.

Examiner

Christopher J. Novosad

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a telephone call from Applicant's representative on June 3, 2009.
2. ☒ The allowed claim(s) is/are 1-5, 8, 10-12, 14-27, 29-37, 40, 41, 44-48, 50, 51, 90-108, 142-146 and 148.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on June 3, 2009, Mr. Randall C. Brown, Attorney for Applicant requested an extension of time for one MONTH and authorized the Director to charge Deposit Account No. 08-1394 the required fee of \$130.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification:

The amendments to the specification in the Amendments dated August 30, 2005, December 21, 2004 and June 24, 2003 have been canceled and replaced by the paragraphs added by the amendment to the specification dated December 29, 2006.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Reason for maintaining allowance of the original patent claims 1-5, 8, 10-12, 14-27, 29-37, 40, 41, 44-48, 50 and 51:

The cited prior art fails to disclose or suggest the interchangeable insert structure specifically recited in each of the independent claims 1, 8, 11, 19, 31 and 44. For example, the limitation recited in original patent claim 1 of "said insert being one of a plurality of interchangeable inserts" (emphasis added), or in original patent claim 8, of "said insert being one of a plurality of inserts" (emphasis added) is neither disclosed nor suggested in the cited prior art. The Freeman Patent (USP 4,836,279), which is the closest prior art, fails to disclose any mention whatsoever of the novel concept of the interchangeability of inserts in a cementing plug of universal construction, as claimed herein, and for the beneficial reasons clearly set forth in the specification, e.g. at col. 1, lines 52-63, col. 2, lines 5-12, and col. 6, lines 57-65 of the original patent to Treece (USP 6,196,311).

Reasons for allowance of the added claims 90-108, 142-146 and 148:

The cited prior art fails to disclose or suggest the step of "providing...central opening" as recited in independent claim 92, or "providing an additional plug in the casing having at least two axially-spaced and overlapping wipers to engage and wipe the inner surface; and applying

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pressure from one end of the casing to move the additional plug within the casing” as recited in independent claim 93, or “sizing each wiper so that the wiper of each plug closest to one end of the casing is overlapped by the other wiper of the same plug,” as in independent claim 98, or the recited structure “wherein the second wiper overlaps the first wiper in an axial direction..., and wherein the wipers deflect into substantially cylindrical wiping engagement with the inner surface of the casing,” as in independent claim 104..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Michael Carone can be reached at 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher J. Novosad/
Primary Examiner, Art Unit 3641

June 9, 2009